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2 CITY COUNCIL

3

CITY OF NEW YORK

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THE TRANSCRIPT OF THE MINUTES

6

of the

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COMMITTEE ON YOUTH SERVICES

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October 23, 2006

Start: 10:16 a.m.

11

Recess: 3:58 p.m.

12

City Hall

Council Chamber

13

New York, New York

14

B E F O R E:

15

LEWIS FIDLER

16

Chairperson,

17

COUNCIL MEMBERS:

18

Alan Gerson

Miguel Martinez

19

Sara Gonzalez

Melissa Mark-Viverito

20

Darlene Mealy

Dennis Gallagher

21

James Oddo

Simcha Felder

22

Bill DeBlasio

23

24

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3 decided to have kids yet. I figured it's a little
4 dangerous, me being a highway patrolman and all. I
5 thought I could wait until I was done with that job
6 before I have little ones running around.

7 Have you heard from anyone about our
8 class? All I know is Matt Wilcox is now the Governor
9 of Montana. Remember when we were giving him stuff
10 about that? Well, I guess today we can't. He's going
11 to be a very rich man, and I can't believe it.

12 Well, this is a once of a lifetime
13 trip, it should be a great time. I wrote this letter
14 because I hope to see you there. It will finally
15 give us one more chance to be with our Writing
16 Workshop Class one more time.

17 Brandon Patch."

18 MRS. PATCH: I just will say, you want
19 to look at the safety of the kids. You know, that's
20 the major thing. Life is life. Baseball is a game.
21 You know, there are so many incidents out there that
22 you don't know about. What they call a "slight
23 injury," is taking half an eye off or crushing your
24 forehead. It's just unbelievable. Like I said,
25 Brandon was a Yankee fan. He always planned to come

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2 to New York. That was his biggest thing. And as far
3 as reaction time, if it was going to be there,
4 Brandon would have had it. Brandon didn't have a
5 chance. There was no way he was ever going to react.
6 And like I said, he played ball since day one. You
7 know, he was an 18-year-old, just graduated, and
8 this happened in July.

9 You know, we have to think of our
10 kids, because it's going to happen again. And I get
11 letters from 18-year-old kids that say don't give
12 up. Don't give it up, because I'm on third base and
13 that ball goes whipping by me. I mean, so if you can
14 have kids write you at 18 and 19, and 12- to
15 13-year-old kids write and say, you know what? We
16 don't care what the coach says, we're going to use a
17 wooden bat this year. You know, I mean it's
18 phenomenal. I just was amazed at e-mails that did
19 come in. You know, your kid's life is everything.

20 His brother wrote: "Which Affects
21 Your Whole Family." And he wrote: "It's taken a long
22 time to deal with feelings, but it makes me realize
23 a few things: You never know when something is going
24 to happen to someone very close to you. You always
25 have your memories, and no matter what happens, I

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2 plan to live life to the fullest from this point
3 on."

4 Thank you.

5 CHAIRPERSON FIDLER: I certainly want
6 to thank both of you for your testimony, and there
7 but for the grace of God, you know, and I'm going to
8 go home and hug my kids today, that's for sure.

9 Before I ask my colleagues if they
10 want to ask you any questions, I think we'll allow
11 Mr. Menechino to testify, and we'll all take a
12 moment, I guess, to regroup.

13 MR. MENECHINO: Hi. I'm here to just
14 basically let everybody know that I've played
15 baseball since I'm five years old, and when I was
16 younger we used wooden bats to hit and stuff, and,
17 you know, I always wanted to be a major league
18 baseball player, and my dad used to tell me, well,
19 there's no need to use aluminum bats, use the wooden
20 bats because that's what you're going to be using in
21 the big leagues.

22 But as I got older and as I, you
23 know, started playing with my friends, I wanted to
24 compete, I wanted to hit the home run, I wanted to
25 hit for higher average, so the only way to go is to

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2 use an aluminum bat. And as I've grown to play, play
3 in high school, I really never hit home runs in high
4 school, but I was a good line drive hitter, and I
5 used to practice still with the wood because using a
6 wooden bat helped me hit the ball in a sweet spot a
7 lot more, to help me have a better swing. Because if
8 you didn't hit the ball in the sweet spot with a
9 wooden bat, it stung and it hurt really bad.

10 And, you know, using the aluminum
11 bats, you could get away with a bad swing, you can
12 upper cut swing, you can get jammed and still get a
13 hit, your bat never broke. But after awhile using
14 it, it would dent. And my dad would be like, you
15 know, you don't break many wooden bats, but aluminum
16 you seem to be denting them, and I'm not going for
17 three- four-hundred dollars a bat anymore. So, he
18 kind of left me no choice but to just practice with
19 the wooden bat and use the wooden bat, and I'm
20 grateful for it because it really helped me become a
21 better hitter.

22 And going to college we used aluminum
23 bats. We had a contract with Easton. I went to
24 University of Alabama. We had a contract with
25 Easton, and you really had to hit, I mean it was an

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2 aluminum bat but you really had to hit the ball to
3 have a home run. I mean, the ball didn't fly off the
4 bat the way it does now. And when I got drafted in
5 '93 by Chicago White Sox, I went back to Alabama to
6 see some of the guys, and they had just signed a
7 contract with Louisville, and I couldn't believe the
8 way guys were hitting the ball. I couldn't believe
9 how far they were hitting the ball. I mean, it was a
10 joke. I was like, wow, I wish I had these bats when
11 I was in college, maybe I would have gotten drafted
12 a little higher. But it was unbelievable. They were
13 so light and the ball took off so -- I mean, I was
14 just like this isn't fair. I mean, how are guys
15 going to get out of the way, let alone, you know,
16 just be safe. I couldn't even swing the bat after
17 using a wooden bat because they were so light. I
18 mean, I think it was like a minus five or something,
19 as far as ounces to length.

20 And, now-a-days, just watching the
21 little league kids, I was, you know, injured this
22 year, I didn't play this year. I had wrist surgery
23 and I was able to spend time with the Minisland
24 Little League (phonetic) World Series Team, and my
25 nephew plays on that, and just throwing batting

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2 practice to these kids and just watching these kids
3 hit, I actually was given hitting lessons one day,
4 and my nephew is using a bat and I'm like, Joe, does
5 that bat feel light to you? He goes, yeah, I could
6 really swing it hard. And actually the bat was too
7 light for him that he couldn't feel the weight of
8 the head of the bat that controlled his swing. It
9 was just whipping right through. So, I said, I
10 really think this bat is too light for you. So, I
11 let him in turn use one of my wooden bats, 33 and a
12 half, 32 ounce bat, he picked it up and started
13 swinging it and was hitting the line drive after
14 line drive in the cage.

15 Now, here is a kid 12 years old, who
16 is big for 12. He's 12 years old, he's strong, and
17 he's using one of those little aluminum bats. He
18 used to just hit the ball off the end of the bat or
19 get jammed and the ball goes 250 feet. To me that's
20 not fair. To me that's just not even fun. You can't
21 try to incorporate, you know, X box games or
22 PlayStation 3 Stats with little kids because that's
23 what turns them on. Look how far I hit the ball. You
24 know, you can only take that so far before someone
25 is really going to get hurt. They're only 44 feet to

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2 home plate. Can you imagine guys in the big leagues
3 with a wooden bat have trouble getting out of the
4 way, and some of them didn't get out of the way.
5 You've seen this year a couple of guys got hit in
6 the head. I mean, and then you have big guys like
7 that hitting the ball so hard. All you have to do is
8 bring the scale down and it's just little leaguers
9 using these really light bats that the ball bounces
10 off of. I mean, I have to be careful throwing
11 batting practice even with a screen in front of me
12 because the ball is coming at me really fast. I
13 don't have time to react. I mean, if I don't have
14 time, and I'm an in-fielder my whole life, how is a
15 12-year-old kid going to have time, how is a
16 ten-year-old kid going to have time to react?

17 So, I just feel like they really need
18 to downgrade the aluminum, make it to where they
19 have to hit the ball, and have to hit the ball well
20 for it to go out.

21 You know, a lot of little leaguers
22 are talking about moving the fences back. Don't move
23 the fences back, make the bats old school, the way
24 they were years ago. Use a composite bomb bat. A lot
25 of minor league clubs use bomb bats. It's a plastic

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2 wood composite, and I mean make the kids earn it.

3 That will give the scouts, that will give kids the

4 realistic view of their talents to see how good they

5 really are.

6 Did I really hit good, or is it the

7 bat doing all the work? You know, there's a fine

8 line between having kids living in a dream world or

9 living in reality and I think the game would be more

10 fun if you had to earn that home run, if you had to

11 earn that hit.

12 You know what? I use the wooden bat

13 or I use the composite bat and there was no help

14 with the bat. I did it. I did it. I hit that ball.

15 I'm one of two guys this year that hit a home run

16 over the fence.

17 You know, you want kids to really

18 say, hey, they have to earn it. Because my whole

19 life I had to earn everything I did to become a

20 major league baseball player. I was the littlest

21 guy, the smallest guy, couldn't run, couldn't do

22 anything according to the scouts, and I tricked them

23 for six years in the big leagues.

24 So, I know what it is to have to earn

25 it and have to go through everything and practice,

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2 practice, practice. So, if these kids get on the
3 right track of the old school ways of, hey, this is
4 a wooden bat. You're going to have to use it, you're
5 going to have to get stronger, you're going to have
6 to lift weights, you're going to have to do the
7 extra to be as good as the best guys. You're going
8 to have to be a little extra to be the best, instead
9 of just having the most expensive bat with the
10 lightest bat that hits the ball the furthest. That's
11 not fun. That's not baseball. Baseball should be
12 everybody is on even ground, but what you could do
13 to control it is work out harder, practice every
14 day, spend time in the hitting cages, learn to
15 perfect your swing, this way you can become the best
16 player for as long as you want to play.

17 Thank you.

18 CHAIRPERSON FIDLER: Thank you very
19 much, Frank, for your testimony.

20 Council Member Oddo.

21 COUNCIL MEMBER ODDO: Thank you. Let
22 me just start by thanking Deb and Jack for making a
23 long trip from Montana here to City Hall. When I was
24 preparing for this hearing, I was preparing a
25 witness list, my staff and I had a very long

23 John's, and Ron Davini, from NYSBCA.

24 When you're all ready, just one of
25 you jump in. Please don't read testimony, but just

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2 give it to us on the important stuff.

3 MR. BLANKMEYER: I believe Paul Seiler
4 is no longer with us today.

5 CHAIRPERSON FIDLER: Okay.

6 MR. BLANKMEYER: My name is Ed
7 Blankmeyer.

8 CHAIRPERSON FIDLER: Thank you for
9 letting us know that.

10 Go ahead, Ed.

11 MR. BLANKMEYER: I'm the head baseball
12 coach at St. John's University. Just a little
13 background. I've been a college baseball coach since
14 1979, first at Seton Hall, now at St. John's. I
15 first want to start out by saying how deeply moved I
16 was by the Patch's, and I don't ever want to be in
17 that position, have a kid lost with an incident of a
18 batted ball. It's tragic. My words, you know,
19 certainly can't soothe their sorrow.

20 I'm here because I put a lot of faith
21 into the NCAA. Being a college coach for 26 years,
22 I've been around the game. I've seen several

23 baseball games at the collegiate level, and as a
24 recruiter I've dealt with a lot of high school
25 games. I've witnessed a lot of collegiate games in

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2 the summer leagues. I've coached several major
3 leaguers. I certainly wish I had Frank Menechino,
4 but I think I have the experience in which I've seen
5 a lot.

6 I've also been through the evolution
7 of the wood bat as a college player in '72 through
8 '76. Played in the college World Series a couple of
9 years professionally, and there was an evolution in
10 the wood bat to the aluminum bat. I did use both in
11 both levels.

12 There has been some change. Yes, it
13 was I believe at one time pretty high performance,
14 but as of five years ago, the NCAA, who I believe
15 are very good people, certainly not self-serving,
16 and have the students in mind, did research on it.
17 And, yes, the BESR, I'm not a scientist, I only can
18 go on what I see, and I have to put my faith in
19 those people, from the standpoint of protection of
20 our student athlete.

21 I have witnessed a lot of games. You

22 know, I pray to God that I don't see a tragic
23 injury, but yet I know the game is dangerous. But I
24 can't put the emphasis on the bat, okay? Because of
25 the exit velocity, I truly believe that that's in

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2 place for the safety of the game, and I'm sure if
3 the NCA indicated different studies or different
4 exit velocities, certainly they would pass that on
5 to our manufacturers.

6 I just want to point out a couple of
7 observations during the course of my collegiate
8 career.

9 I agree with Frank Menechino in the
10 point that, you know, all coaches like to train with
11 wood bats, and selfishly our players want to play
12 professional baseball, and the last I looked they
13 play with wood bats. So, we train with wood bats.
14 Our players play in summer leagues with wood bats.
15 I'm not here to argue the fact whether it's wood or
16 aluminum, you know. I want to see empirical data
17 that indicates that the aluminum bat is the sole
18 factor in injury. And based on what I received in my
19 career in evaluating, I believe that the product in
20 place is certainly a good product.

21 I also will say if you want to talk

22 about the principles involve the pitchers, and I
23 believe everybody saw the incident with Steve
24 Traxil. Sometimes in this game of baseball, you
25 know, pitchers put themselves in a position where

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2 they cannot defend themselves. Whether it's a tennis
3 racket, a bat, or a wood bat or an aluminum bat,
4 they put themselves in harm's way. Especially these
5 power pitchers now-a-days.

6 So, I kind of feel reaction time
7 could be measured, but sometimes some people are not
8 even able to defend themselves because of the
9 physical position they're placed in. And there's
10 just no data, no support based on what I see.

11 Injuries. I've seen some. I've had
12 players hit with baseballs, coming through the box.
13 It's not a pretty sight. I've seen balls to through
14 the box at a terrifying rate. Certainly, I can't
15 tell by vision of the ball coming off the bat. And
16 any ball to me coming through that box at a rate of
17 speed, I couldn't tell you whether it's 50 miles an
18 hour or 100 miles an hour, but I can tell you, it's
19 pretty darn quick and it's pretty scary. But I tell
20 you, I've seen more injuries based on collisions

25 pass this legislation to keep our kids safe.

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2 Thank you.

3 MR. BAGGS: Good afternoon. I'd just
4 like to tell you a little bit what happened on July
5 8th. My son was a starting pitcher for the South
6 Shore Little League All Star Team. It was a team
7 comprised of the best players in each division on
8 Staten Island.

9 In the first inning, he started
10 pitching, he was doing well, he had good form, so
11 everybody says, you know, good mechanics, good form,
12 be ready to feel the ball.

13 I, myself, was a pitcher in little
14 league high school. I went to West Virginia
15 University, I pitched in college. So, I passed all
16 my skills to him prior to myself in fielding.

17 That Saturday morning, he got two or
18 three batters. On the fourth batter, he was struck
19 by a line drive that I just barely seen the ball
20 make contact with the bat. I watched it just fall
21 off his head. The ball didn't ricochet, it didn't
22 fall very far, it just hit his head and fell.

23 He had no time to react whatsoever.

24 Upon seeing this, I just ran out. As soon as the
25 ball hit his head, he had a huge indent in his eye.

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2 His forehead was crushed in. His eye orbit, which is
3 the strongest bone in the head, was crushed and
4 pretty severely. It also impacted his front sinus
5 cavity, which he no longer has.

6 Needless to say, play stopped. I went
7 out. I assisted him. Called an ambulance and took
8 him to the hospital. Doctors were amazed at how
9 severe that bone was crushed. And I subjectly feel
10 that metal bats have a lot to do with it. This
11 trampoline effect, there is no time for these kids
12 to react to this ball. If I was out there, I
13 wouldn't have had time to react to this ball.

14 Luckily, everything went well. We're
15 saying now, today, thank God, you know, he's one of
16 the lucky ones. He just has a plate in his head.
17 Thank God for medicine today. He doesn't need more
18 surgeries. The plate will dissolve within a year's
19 time. It's going to stay in there for about a year.

20 We just don't want other kids to be
21 subjected to this. I know this is a high school
22 proposal, and for all the kids, proposal for the
23 bats, but it also needs to be extended to the little

24 league division also. These kids, they're not
25 advanced yet. They don't have the skills some of

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2 these high school and college players would have.
3 They're just developing. So, it should be extended
4 throughout, which I would appreciate if it is.

5 That's all I have to say. You know,
6 if you have any questions, I'll feel free to answer
7 questions.

8 MR. DELLA VOLPE: Thank you, Mr.
9 Chairman, members of the Council.

10 Let me just introduce myself. My name
11 is John Della Volpe, and I don't have a
12 representative. I'm a lobbyist. I'm not a PR. First,
13 I'm a dad. My son named Andrew. From Massachusetts,
14 from Concord, Massachusetts I came up here this
15 morning. Unfortunately, this is the third time I've
16 given this talk. I gave it in Boston at a hearing a
17 few months ago, and received a number of phone calls
18 from people across Massachusetts who had similar
19 situations to my son.

20 I sat next to Councilman Oddo in New
21 Jersey with the Domelskis, which was incredibly,
22 incredibly just an unbelievable experience, to go

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2 understand it. The question is the injury data that
3 we're referring to is reflective of claims payments,
4 not as a result of litigation. They're claims paid
5 probably to a health care provider or a
6 reimbursement to a parent for eligible expenses.

7 CHAIRPERSON FIDLER: Okay, I think
8 we've battered you guys enough. Thank you for
9 coming.

10 We have one final panel. And
11 certainly, as I always do to the last panel, I
12 apologize for the late hour and I thank you, for
13 those of you who remained.

14 Nick Defendis from Richmond County
15 Baseball Club, Joseph Calabrese, our local coach.
16 Jim Sovel from Metalwood Bats. Jimmy Tribble from
17 Metalwood Bats, and Frank Amato from Youth Baseball.

18 You guys can assemble up there and
19 Mr. Calabrese would start.

20 MR. CALABRESE: I didn't really know
21 what to expect coming down here tonight, this
22 morning I should say. I went in Jimmy's office,
23 grabbed a pen and just wrote some notes down on what
24 I've been hearing what's been going on here all
25 afternoon.

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2 For the record, I want to say that I
3 didn't get paid for many companies to come here,
4 paying my own parking and my own tolls. I've been
5 coaching for the past 20 years. I've coached four
6 years of high school, baseball from '86 to '90. I've
7 coached in little league for the last 14 years, 13
8 years. I coached the Men's Baseball Team over the
9 last 17 years. My father was involved in little
10 league baseball for 32 years, and a lot of what I
11 hear what's going on here, and all the scientists
12 and the engineers coming in and the reality is that
13 there is a danger with aluminum bats.

14 My son this year, he had the
15 opportunity to play in the Little League World
16 Series. It was the greatest experience I've ever
17 had. As a grown man, I can't tell you, that was my
18 greatest summer ever, watching my son play.

19 For them to come up in little league
20 baseball and say there's no dangers involved and
21 they have nothing to do with this, Jimmy, you kind
22 of hit it on the head, you were 1,000 percent right.
23 They do have an involvement in this. They could talk
24 about all their safety issues, regarding the helmets
25 they have and limiting the pitch counts, the

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2 breakaway bases, whatever they want to talk about.
3 There is no financial losses for them there with
4 those safety issues. I mean, anything that's not
5 going to have a bearing on their finances, they have
6 no problem doing, which they're doing the right
7 thing. And I love little league baseball. To me, it
8 is the greatest tournament in the world, and for
9 them to say that, again, that there's no involvement
10 with the bat companies, they got that contract from
11 ESPN, I don't know too deep about this. I just got
12 involved in this lately, and it's common sense
13 dictates. I mean, ESPN, they got a contract with
14 them, the commercials, sponsoring, all goes to ESPN.
15 I mean common sense dictates and there is
16 involvement there.

17 As far as the bats being more
18 dangerous, I've been in little league for 13, 14
19 years now, ten years ago, there would be maybe ten,
20 12, 13 home runs hit. Last year we had over 16 home
21 runs hit last year. Home runs going from ten years
22 ago, 200 feet, 210, 220, balls are hitting now 270,
23 280. I can't even tell you how far baseballs are
24 hit. And for them to say that there is no difference
25 between wood and aluminum, it makes no sense to me.

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2 I mean, I'm doing this, coaching a long time, and
3 I'm out there. You can get scientists, you can get
4 engineers. I throw batting practice to my son, he's
5 12 years old. I will not throw to him without a cage
6 in front of me. And I've been around when people
7 have been hit, and claims have not been made.

8 I have a friend of mine, took a one
9 hop line drive off an aluminum bat right in his
10 face. Lost four teeth, 32 stitches. I'm sure that
11 wasn't in their tallies of all the reports that they
12 had.

13 Earlier, the man from the Board of
14 Ed, Marty, he said some things about losing, the
15 lack of interest in a sport. As far as batter and
16 the Men's League I belong to, we went to wood about
17 five years ago, and from the time we left aluminum
18 bats to wood now, the number of teams have
19 increased. The game is a much more beautiful game
20 played with wood. You don't have scores 13, 12. It's
21 a real game, games are 3, 2; 4, 3. You got to learn
22 the fundamentals of the name better, you've got to
23 complump (phonetic) more. You've got to play better
24 defense. You've got to, fundamentals you swing, the
25 mechanics you swing have to be that much better to

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2 become a better player, as my brother-in-law Frankie
3 spoke about earlier.

4 I just feel that aluminum bats are a
5 danger. I mean, I'm here today because my passion is
6 my sports. My passion is kids. And all the kids that
7 I coach. And I love doing what I do. I coach little
8 league baseball, I coach two football teams, I'm
9 going on right now. You know, when I hear things
10 like the tragedy the Patch's suffered, and the Baggs
11 and all these families where children have been
12 hurt, it bothers me. And it's hard to swallow.

13 And there's another point that nobody
14 really has discussed today. As far as the Patch's,
15 they lost their son. There is nothing more horrible
16 I could ever think of than losing a child. But on
17 the other side, the kid that hit that ball, how is
18 he doing today? How is that kid getting up everyday
19 knowing he had a line drive with some other child's
20 head, and that kid is no longer with us now. I mean,
21 I'm sure he's got repercussions and suffering as far
22 as he goes also.

23 Again, you know, I'm here because I
24 feel it is a danger and I want to support this bill,
25 and that's all I really have to say at this time.